HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

W.A. NO.842 OF 2006

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Between:
Najeebunnisa Begum

..... Appellant

AND

The State of A.P. represented by its
Principal Secretary for Revenue,
Secretariat, Hyderabad.
and 9 others.

.....Respondents

::JUDGMENT::

Counsel for the Appellants : Sri Madhava Babu for Sri

K.Mallikarjuna Rao

Counsel for Respondent Nos.1,2,4,6&7 : The Government Pleader

for Revenue

Counsel for Respondent No.3 : The Government Pleader
for Stamps and
Registration

Counsel for Respondent No.5 : Smt.G.Jyothi Kiran, SC
for MCH

Counsel for Respondent No.8 to 10 : None

Dated 11/8/2006

G.S.Singhvi, CJ

This appeal is directed against order dated 3.3.2006 passed by the learned Single Judge whereby he dismissed the writ petition filed by the appellants for quashing the action of the State Government and District Collector, Hyderabad in granting 'no objection certificates' as also the action of respondent Nos.3 to 6 in granting clearances under the Urban Land Ceiling and Regulation Act, 1976 (for short 'the 1976 Act') and permissions for constructions and also for registration of the sale of land in Survey Nos. 129/49/D2, 129/49/D3 and 129/49/56 situate on Road No.12, Banjara Hills, Hyderabad.

A perusal of the order under challenge shows that after adverting to the factual matrix of W.P.No.1575 of 2006 and connected matters and taking note of the prayer made in the writ petition, the learned Single Judge refused to entertain the same by observing that several disputed questions of fact arising in the writ petitions cannot be decided by the High Court under Article 226 of the Constitution of India without impleading all the persons concerned who are said to have purchased the lands, obtained urban land ceiling clearances and permissions and constructed their houses.

In our opinion, the reason assigned by the learned Single Judge for refusing to entertain the prayer made in the writ petition does not suffer from any legal infirmity. If the prayer made by the appellants was to be accepted, the same would have resulted in nullifying the 'no objection certificates' granted by the State Government and District Collector, Hyderabad, clearances granted under the 1976 Act, permissions for constructions and registration of sale deeds by different public authorities

in favour of unknown persons. In our considered view, the learned Single Judge could not have passed an order to nullify the 'no objection certificates' granted by the State Government and District Collector, Hyderabad in favour of some persons who were not impleaded as respondents. Likewise, the learned Single Judge could not have nullified the clearances granted by the Municipal Corporation of Hyderabad and registration of documents by Inspector General of the Stamps and Registration and officers subordinate to him because none of the persons likely to be affected by acceptance of such prayer had been impleaded as party respondents.

With the above observations, the appeal is dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY,J

Dated 11.8.2006

msv